

# EXHIBIT I

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONNA CURLING, et al., )  
Plaintiffs, )

v. )

BRAD RAFFENSPERGER, et al., )  
Defendants. )

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CIVIL ACTION FILE

NO. 1:17-cv-02989-AT

DEPOSITION OF  
TERESA LYNN LEDFORD

June 24, 2019



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1 Office.

2 Q. Did you think that the county's processes  
3 for counting the hand-marked paper ballots were  
4 affected?

5 A. "Counting" meaning for the poll officials or  
6 for the main office?

7 Q. Both.

8 A. Well, it was difficult for the poll  
9 officials because optical scan ballots carry a  
10 different set of problems just like any set does.  
11 And if you had a voter who overvoted a ballot or had  
12 something wrong with it and the unit wouldn't take  
13 it, that ballot would be spoiled. The voter would be  
14 given an addition ballot. They would have to go  
15 down --

16 (Reporter requests that witness slow  
17 down.)

18 THE WITNESS: The voter would be given  
19 the option to take a second ballot or  
20 continue to have that ballot spoiled and not  
21 cast. And we had that happen more  
22 frequently than I think people realize  
23 because they didn't want to go back and do  
24 that. And so it created, you know, a  
25 significant issue with that.

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1           The machines themselves were not  
2           problems. As far as the tabulation, the  
3           aggregation of the results, it was not an  
4           issue.

5 BY MR. POWERS:

6           Q. Mm-hmm. Do you recall how many complaints  
7           you -- strike that.

8           Do you recall receiving any complaints from  
9           voters about having to cast the second paper ballot  
10          or not having their paper ballots scanned properly?

11          A. Yes.

12          Q. How many complaints do you recall receiving?

13          A. I don't. It's been too long. And like I  
14          said, we only used it for two years. It was  
15          significant enough that it stuck in my mind is the  
16          only way I know how to describe that.

17          Q. Sure. Do you have any -- strike that.

18          Did you have any concerns about the  
19          integrity of the elections that were conducted in  
20          Gwinnett County using the hand-marked paper ballots?

21          A. I don't remember.

22          Q. Sitting here today, do you have any concerns  
23          about the integrity of the elections that were  
24          conducted in Gwinnett County using hand-marked paper  
25          ballots?

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1 BY MR. POWERS:

2 Q. So before we move on, perhaps, do a little  
3 bit of clean up on some questions that I posed to you  
4 before the break.

5 Before the break you spoke about moving from  
6 the punch card voting system to the optical scan  
7 system in 2000.

8 I wanted to ask what general response you  
9 received from voters upon the change from the punch  
10 card voting system to the optical scan system?

11 A. Initially it was confusion. Anytime you  
12 have a change, you have to do public education and  
13 voter education. So they were confused to begin  
14 with.

15 But the problem we had with that we still  
16 continue to have today. When you have a general  
17 election, you have a write-in candidate. Say you  
18 have voters that want to bubble in Mickey Mouse and  
19 then come in and bubble in the write-in space for  
20 Mickey Mouse and then write Mickey Mouse's name on  
21 it. That is just a continuing problem with that type  
22 of ballot.

23 But, again, initially, it was just  
24 confusion. And then about the time, you know, we  
25 used it for the last election, they were used to it

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1 and then we changed them over.

2 Q. When you say "they were used to it," what do  
3 you mean by that?

4 A. We just didn't get as many complaints as we  
5 did the first election that we used it for because  
6 they had gotten used to -- you know, they knew to  
7 bubble in and put it in the scanner and what they  
8 were looking for.

9 Q. From an election administration's  
10 standpoint, was the optical scan system an  
11 improvement over the punch card system that had been  
12 employed before?

13 A. I don't know that it was an improvement. It  
14 was just a change. You know, of course, with what  
15 happened in 2000, we were glad we weren't on punch  
16 card. I don't necessarily think it was an  
17 improvement. I don't necessarily think it was not an  
18 improvement. It was just a change.

19 Q. You had mentioned the write-in issue on the  
20 optical scan system. Isn't it true that there's --  
21 you can still write in candidates on the current  
22 voting system?

23 A. Yes. On the DRE and the optical scan but  
24 the DRE won't let you cast an overvote. That's the  
25 difference.

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1 Q. I wanted to talk about the spoiling issue  
2 that you had mentioned earlier. You had mentioned  
3 overvotes.

4 Could you explain to difference between when  
5 a voter casts an overvote and other situations in  
6 which casting a vote by paper ballot can result in a  
7 particular vote getting caught up for some reason?

8 A. Sure. Again, first, there is the overvote  
9 and that's when someone votes for more than the  
10 number of candidates allowed in a particular race.  
11 So if you're only allowed to vote one and you vote  
12 two, then it kicks that out. That's considered an  
13 overvote.

14 . . . . If a voter happens to make a stray mark in  
15 the timing marks around the ballot, sometimes that  
16 will kick it out. If the ballot isn't printed  
17 exactly correctly, if it's just a millisecond  
18 issue -- I don't know. I'm not a tech person. But  
19 if it's the least bit off, it will not accept the  
20 ballot, which would be a broader problem with more  
21 ballots, but you can see that as well.

22 If for some reason a ballot was damaged,  
23 perhaps, if an absentee ballot, at someone's home  
24 they spill coffee or tea on it or if they used  
25 Wite-Out ®, the liquid Wite-Out ®, it considers it an

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1 A. No. Prior to that, I believe, it was  
2 electronic transmission.

3 Q. Mm-hmm. And let's talk about that.

4 First, when was the switch made from the  
5 electronic transmission to the current system of  
6 physically going and picking it up?

7 A. I don't remember.

8 Q. Five years ago?

9 A. It's been within the last five years.

10 Q. That's helpful.

11 Please describe to me what the -- how the  
12 electronic transmission of the ballot was completed.

13 A. Before the switch or...

14 Q. Before the switch, yes. Thank you.

15 A. It was put onto a CD and we would go and  
16 pick it up and bring it back to the office. So it  
17 wasn't a sealed bag like it is now.

18 Q. Mm-hmm. And after the election is over,  
19 what would you do with that CD?

20 A. With the ballot layout on it?

21 Q. Yes.

22 A. I don't remember.

23 Q. Okay. Now, let's shift from the ballot  
24 design to the electronic poll books.

25 How long have electronic poll books been



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1 turn around a print order once you give it to them?

2 A. I don't know.

3 Q. Does the price of printing paper ballots  
4 depend on the type of printer that's used?

5 A. No. We have Ballot On Demand. We have our  
6 own printers and it's 55 cents a page regardless.

7 Q. Got it. So for Ballot On Demand printers,  
8 the cost is 55 cents per page?

9 A. Correct.

10 Q. Do you know what the cost per page is on  
11 other types of printers?

12 A. You're talking from other vendors?

13 Q. (Counsel nods head affirmatively.)

14 A. No. I don't remember.

15 Q. Let's consider the whole absentee ballot  
16 process sort of from the beginning.

17 How long in advance do you need to know what  
18 the ballot style is to be able to get them printed in  
19 time to conduct the absentee ballot process?

20 A. I'm sorry. Can you say that question again?

21 Q. Sure. I'll say it a little more simply.

22 How long before an election do you need to  
23 start preparing for the absentee balloting process?

24 A. Well, we vote -- whatever the beginning  
25 deadline is for that because we have -- depending on

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1 anything that can be done to allow that voter to --  
2 allow me to recast the ballot or once it's in, it's  
3 in?

4 A. Once it's cast, it's cast. There's no way  
5 to retrieve a ballot.

6 Q. There's no way to retrieve a ballot on the  
7 DRE machine?

8 A. Yeah because it's randomized. We wouldn't  
9 have any idea which ballot was that voters.

10 Q. Got it. Perhaps we could flip to the second  
11 page of Plaintiff's Exhibit 4.

12 A. Sure. When I touch a candidate on the right  
13 side of the screen, it selects another candidate.  
14 The right side of the screen is faulty on the third  
15 to the last machine on the right side of the front  
16 section of the voting booth. The machine made a  
17 selection for me.

18 Q. What is the name of the voter?

19 A. Oh, Archel Bernard.

20 Q. Is essentially what Mr. Bernard saying is  
21 that he tried to vote for candidate X and instead  
22 candidate Y's name lights up as having been selected?

23 A. Mm-hmm. I think so, yes.

24 Q. How does that kind of problem occur?

25 A. I have no idea because I don't know --

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1 without being there, I don't know if the voter  
2 touched something. If he had a big finger and put  
3 his whole finger down and it registered one instead  
4 of the other. I don't know if he had something on  
5 him that touched the screen.

6 You know, without having been there, we  
7 don't know. And that's, you know, another reason why  
8 you have that review screen at the end, so if  
9 something is incorrect, they can go back and correct  
10 it before they cast their ballot. Like I said, it  
11 would be pure speculation to guess that was what  
12 caused that.

13 Q. Has this kind of issue cropped up in  
14 elections before the November 2018 election?

15 A. Usually only in general elections when  
16 there's parties involved --

17 Q. And --

18 A. -- which lead you to believe it's a voter  
19 issue not a machine issue.

20 Q. Mm-hmm. Are you aware of any instances in  
21 which you or a poll worker has seen this issue occur  
22 where you tap one candidate's name and then a  
23 different candidate's name lights up?

24 A. I have never seen it. I assume the poll  
25 officials have since they are in the field with the

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1 voters. And if we get those phone calls, usually  
2 that's what we determine is we will have them walk  
3 the voter back through what they did. And oftentimes  
4 it was -- like I said, something touched or whatever.  
5 It didn't flip the vote.

6 Q. Just to make sure I understand, so poll  
7 officials have called in to the Board of Elections  
8 and said, Hey, I'm having an issue with a voter and a  
9 machine where ballot flipping is occurring?

10 A. No. They don't use the word "ballot  
11 flipping" because that's not what it is.

12 Q. Sorry, sorry. My words.

13 A. Something is different with the machine and  
14 we can't tell if it's the voter or the machine. And  
15 what we usually find out is it's the voter and not  
16 the machine.

17 Q. Got it. Thank you.

18 A. Just make sure you get that correct.

19 Q. I appreciate that.

20 So have there been at least some instances  
21 where the issue was not the voter?

22 A. Not to my knowledge.

23 Q. Could we please turn to the third page of  
24 Plaintiff's Exhibit 4?

25 A. Cassandra Smith.

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1 Q. What is the nature of Cassandra Smith's  
2 complaint?

3 A. Hers is similar to the first one, that she  
4 was on her voting summary screen and the card popped  
5 out before she intended for it to.

6 Q. So this is the same problem where the voter  
7 is saying that --

8 A. It is.

9 Q. The voter is saying that the vote ended up  
10 getting cast without her --

11 A. -- touching a ballot.

12 Q. -- initiating it?

13 A. Yes.

14 Q. Let's turn to the next page.

15 A. Patrice Tillman. This is where she said  
16 she's touching the Democratic candidate, but the  
17 Republican's name came up instead. And she was shown  
18 how to unselect and reselect the vote.

19 And that was like very similar to what we  
20 see all the time. And because the Democratic  
21 candidate is below the Republican candidate, when you  
22 go to touch it, if you're a female and you have a  
23 long fingernail or you don't press it in the right  
24 spot, it will pick up whichever one it reads the most  
25 of. So it would have picked up the Republican

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1 candidate.

2 Q. Got it.

3 The fat finger issue?

4 A. Yes.

5 Q. Mm-hmm. Could we turn to the next page of  
6 Plaintiff's Exhibit 4?

7 A. James Lamb. Similar issue to the first --  
8 the first one where he was on his summary screen and  
9 he says that it cast the vote. He saw the -- what's  
10 he calling it -- the sand timer, the timer thing. I  
11 can't think of what it's called.

12 MR. STEPHENS: The hourglass?

13 THE WITNESS: The hourglass. I'm sorry.

14 BY MR. POWERS:

15 Q. If you wouldn't mind taking me through --  
16 was it Mr. Lamb's --

17 A. Yes.

18 Q. -- complaint and how an hourglass would show  
19 up?

20 A. When you touch the screen, just like you do  
21 on your computer, as it's going through thinking, it  
22 has an hourglass and it just rotates. It doesn't do  
23 anything. It's just there to show you that it's  
24 thinking.

25 And so he saw the hourglass come up and

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1 to experience the total disappointment.

2 Q. So does that mean that the machine was taken  
3 offline and no longer used afterwards?

4 A. Correct. And there may not have been  
5 anything wrong with it. It's just what the poll  
6 official decided to do based on this. I don't know,  
7 so...

8 Q. Great. You can turn to the next page.

9 A. Sue Nash. Same thing, it's on the summary  
10 screen and it cast her ballot.

11 Q. Can we turn to the next page?

12 A. Mm-hmm. I can't read this one. This one  
13 sounds like a bad memory card. It said -- this is  
14 from the poll official talking about a voter and said  
15 When they put the card in, it came out and said it  
16 was invalid. The count showed that the voter had not  
17 cast their ballot, so they were reissued another  
18 ballot and they voted on another machine.

19 Q. Can you help explain what happened with the  
20 memory card? Was it a Ms. Lewis -- was it then --  
21 what's the name of the poll worker?

22 A. Yes. Occasionally, you will have a memory  
23 card -- a memory card? I apologize -- a voter access  
24 card that has the little chip on it just like your  
25 credit card does. And if that gets very, very

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1 dirty -- we try to get them to wipe them off multiple  
2 times throughout the day, but there could be just  
3 something has gone bad with that card.

4 And, oftentimes, if you put that in a  
5 machine, it will come and tell you it's invalid. And  
6 so when that happens, it won't cast a ballot. So the  
7 voter has to be issued a second card. And sometimes  
8 they'll vote on the same machine and sometimes they  
9 want to go to a different machine. It's totally up  
10 to a voter.

11 Q. How does the poll worker ascertain in a  
12 situation like that, whether or not a vote was  
13 actually cast?

14 A. They have to stop voting. And they go  
15 around and take a count off of each of the machines.  
16 And then they take a count of the number list of  
17 voters off of the express poll and they match those  
18 numbers up. If they are one less or one over, then  
19 they determine the voter either did or did not cast  
20 that ballot.

21 Q. That seems like a -- strike that.

22 So if we're at a polling place where there's  
23 a lot of machines, am I getting it right, that you  
24 have to take -- or stop voting at all of the other  
25 machines and essentially count all of the ballots



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1 that have been cast at the precinct that day?

2 A. The number, yes. And they have to do that  
3 on -- hourly anyway. And so it's not like they have  
4 to start -- you know, if someone casts that -- if  
5 that happens at five o'clock in the afternoon,  
6 they're really just reconciling from their four  
7 o'clock number on, not all throughout the day.

8 Q. Got it. Got it.

9 That process -- strike that.

10 How often does that happen on a given  
11 election?

12 A. I couldn't tell you. Sometimes we know  
13 about it and sometimes we don't. So we don't know.

14 Q. Mm-hmm. What is the Gwinnett County Board  
15 of Elections' retention policy with respect to  
16 complaint intake forms?

17 A. Two years, 24 months. And there's no --  
18 that is just a county thing because we keep  
19 everything 24 months by law, so we just include that  
20 in that.

21 Q. So if there were complaint intake forms from  
22 prior elections, say the November 2016 election, that  
23 would have been disposed of 24 months after they had  
24 been received?

25 A. Correct.

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1 Q. Have you received similar complaints about  
2 DRE voting machines and elections prior to 2018?

3 A. Yes.

4 Q. What kind of investigation do you do to try  
5 to figure out what the -- what the problems were and  
6 what can be done about it?

7 A. Well, if the machine does not continue to  
8 have problems, there's nothing to investigate. We  
9 have no way of doing forensics on machines and that's  
10 not our job.

11 If another voter -- and the poll officials  
12 pay attention. If another voter has a problem with  
13 the same machine, then they'll call us and say, Hey,  
14 we've got this. And we would take that out of  
15 service. We wouldn't allow it to be used the rest of  
16 the day.

17 Q. You mentioned that the County doesn't have  
18 an ability to conduct a forensic analysis of the  
19 machines?

20 A. Correct.

21 Q. Have you had any situations where you  
22 thought a forensic analysis of a particular machine  
23 might be necessary?

24 A. No. If we take a machine out of service and  
25 we get it back, it gets a ticket put on it and it

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1 goes straight back to the vender. And they look at  
2 it. If there's anything wrong with it, they fix it,  
3 correct it, retest it.

4 It comes back. It gets tested by Ken --  
5 well, it used to be Kennesaw State, now the State.  
6 It gets recertified and then gets sent back to the  
7 County.

8 Q. Got it. And how frequently do you send  
9 machines back to the vendor?

10 A. We send them every year, but the number is  
11 relatively low. Maybe 10, if it's that many.

12 Q. Did you send roughly 10 machines back to the  
13 vendor after the 2018 election?

14 A. I don't know.

15 Q. Could would you say 10 is a relatively  
16 typical number --

17 A. Ten or less, yes.

18 Q. Who is the vendor that you're sending the  
19 machines to for maintenance?

20 A. ES&S.

21 Q. When you send a machine to ES&S, do they  
22 send you back the same machine or do they send you a  
23 new one?

24 A. It depends. Ninety-nine point nine percent  
25 of the time, it's the same machine because it's

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1 strike that.

2 Let's take a hypothetical where a voter  
3 votes in the wrong party's primary and actually casts  
4 a ballot and comes back and says, I'm sorry, I voted  
5 in the wrong party's primary, can I get a new ballot,  
6 what happens next?

7 A. They can't -- once you touch "cast ballot,"  
8 you have casted your ballot.

9 Q. We touched on this a little bit before, but  
10 could you please describe the policies and procedures  
11 currently in place to make sure that each voter's  
12 ballot remains secret?

13 A. DRE? Absentee by mail? Provisional?

14 Q. Let's take DRE machines.

15 A. Okay. Well, obviously, nobody but the voter  
16 sees their ballot. So once they are given their card  
17 and they put it into the machine, it pulls up their  
18 ballot -- which it only pulls up their ballot.

19 They go through and they make their  
20 selections. They touch "cast ballot." When they do,  
21 the machine -- the machine -- they yellow card pops  
22 out. The card has nothing on it at that point; it's  
23 reused throughout that day.

24 Absentee ballots, once they are received in  
25 the office, once they are certified and good to be

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1 Q. How many optical scan units does the  
2 Gwinnett County Board of Elections currently own?

3 A. I think we have 36 -- 32 or 36.

4 Q. Thirty-two or 36?

5 A. Yes.

6 Q. So in a situation where cities were  
7 conducting elections using optical scan units, would  
8 you anticipate receiving a request from --  
9 for optical scan units from all Gwinnett County  
10 municipalities or only those that currently request  
11 DRE voting machines from you?

12 A. Well, we have 16 cities wholly or partially  
13 located in Gwinnett and there is no rhyme or reason  
14 as to when or how they choose to use the equipment.

15 So I'm not qualified to answer that question  
16 based on I just don't have the history -- it's just  
17 all over the place and I wouldn't want to speculate  
18 on that.

19 Q. Got it.

20 So there are 16 municipalities in Gwinnett  
21 County?

22 A. Yes.

23 Q. Are they all conducting their own elections  
24 in November of 2019?

25 A. For the ones that are having them except for

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1 Braselton and Jackson County because it's the City of  
2 Braselton and, actually, Walton County conducts the  
3 City of Auburn.

4 Q. What about Buford?

5 A. They conduct their own.

6 Q. Let's consider now the March primary  
7 election.

8 If Gwinnett County were holding an election  
9 using optical scanners for the March 2020 primary,  
10 how many optical scanners would the County need?

11 A. I don't know. We would need -- it would  
12 have to be a minimum of two for 156 polling  
13 locations. That would be a bare minimum.

14 . . . . You've got people standing in line. It  
15 takes a while to read those. In Gwinnett County, our  
16 ballots usually are a little bit longer, so we have  
17 to account for that as well.

18 We also have eight advance voting locations.  
19 We would need a minimum of five at those so whatever  
20 that number would be. And, like I said, that would  
21 be just the bare minimums. That would not suffice.  
22 You would have to have three or four units at the  
23 site and probably 10 at the advance voting sites  
24 because those scanners are not very quick either.

25 Q. You've reminded me of something.

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1 and nobody's ever really asked.

2 So I think that there's oftentimes a rush to  
3 judgment without asking proper questions or getting  
4 more detailed information. And, you know, for those  
5 of us in elections administration, we take our jobs  
6 very, very seriously. And we want every election to  
7 be as good as it can.

8 There's no perfect election. There's  
9 absolutely no perfect election equipment, but we've  
10 not had -- to my knowledge, we've not had problems  
11 with ours or it's not questionable.

12 Q. We definitely appreciate your work and all  
13 the work of your staff.

14 A. Thank you.

15 MR. POWERS: And I do, too.

16 BY MR. STEPHENS:

17 Q. Mr. Powers asked you as well about feeding  
18 ballots through optical scanners for recounts?

19 A. Mm-hmm.

20 Q. When you have a ballot that is long or  
21 additional size, does that take longer to feed  
22 through the optical scanner?

23 A. The optical scanners that we have are not  
24 high speed scanners as most people who have watched  
25 us count those things knows and if you have -- you

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1 know, and different ones react different ways to  
2 different ballots.

3 So sometimes you have what's called  
4 shuffling. You put it in. It will shuffle it three  
5 or four times and then it takes it. The next one it  
6 will take and the next one it will shuffle it. Well,  
7 it won't take, so then you have to turn it upside  
8 down. You have to do it backwards. You have to do  
9 it different orientations.

10 So, you know, like I said, you can try to  
11 average an amount of time to do a ballot, but if  
12 you've got a two-page 18-inch ballot, which is what  
13 we had in November and especially when you have  
14 multiple folds within the ballot as well, it creates  
15 additional time to read those ballots.

16 The easiest ballots to read are the  
17 provisionals because they're straight. We print  
18 them, we duplicate them and they go straight into the  
19 optical scan. But the provisional -- absentee  
20 ballots are very, very difficult to scan.

21 Q. Then there was some discussion earlier about  
22 the process. You mentioned having to duplicate  
23 98 percent of the provisional ballots.

24 Can you explain a little bit what ballot  
25 duplication means for paper ballots?



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1 A. Yes. One of the reasons that people can  
2 choose to vote a provisional ballot is if they show  
3 up at an incorrect poll and they don't have time or  
4 make a fuss and don't want to go to the correct poll.  
5 Poll officials are -- at that point will offer them a  
6 provisional ballot.

7 Well, if they're at the wrong polling  
8 location, the ballot at that poll are only for -- or  
9 the precinct are only for that precinct. So if you  
10 have a voter that lives in Dacula but they are trying  
11 to vote in Snellville, that ballot is not going to be  
12 the same.

13 So when that ballot comes in on election  
14 night, we have to research that and we pull the  
15 correct ballot for the voter. And then we take the  
16 ballot that they actually voted and anything that  
17 they were eligible to vote for, we transfer onto that  
18 duplicate ballot. And they're labeled "original" and  
19 "duplicate." And then the duplicate is what is  
20 actually read for tabulation.

21 And the duplication process involves three  
22 people. You have to have one person read the  
23 original ballot, one person mark the duplicate ballot  
24 and one person to monitor that process.

25 Q. Would you consider the ballot duplication

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1 process a time consuming exercise?

2 A. Yes. Because it's very manual. It's a  
3 very, very laborious process. When people are tired,  
4 you know, we came in at four, five o'clock on  
5 election morning and we only have three days to get  
6 these things done and you're trying to do everything  
7 else. You've got to wrap up an election.

8 It's an accurate process but, again, it  
9 takes a very long time to get there.

10 Q. Once you start counting ballots after the  
11 polls close on election night, is there a requirement  
12 that you continue counting until you finish?

13 A. Yes. We would love that law to be changed.  
14 They missed that House Bill 316. I'm just saying.

15 And I understand. You don't want to lose  
16 the integrity of the system. And there are people  
17 who would think that some Keebler elves come in and  
18 manipulate ballots or do something.

19 So, yes, we stay there until we're done,  
20 which is oftentimes -- depending on the election  
21 could be two or three o'clock in the morning or it  
22 could be like this last election where it was four  
23 o'clock in the afternoon the next day.

24 Q. So Wednesday afternoon at four o'clock is  
25 when you finished the 2018?

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## CERTIFICATE

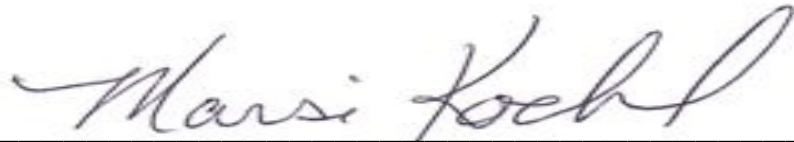
STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the colloquies, questions, and answers were reduced to typewriting under my direction; that the transcript is a true and correct record of the evidence given upon said proceeding.

I further certify that I am not a relative or employee or attorney of any party, nor am I financially interested in the outcome of this action.

This the 28th day of June, 2019.



Marsi Koehl, CCR-B-2424

